

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|-------------------------|---|------------------------|
| MICHAEL J. RITTER, JR., |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | Case No. 4:06CV775 HEA |
| |) | |
| JAMES PURKETT, |) | |
| |) | |
| Respondent. |) | |

OPINION AND ORDER

This matter is before the Court on the petition of Michael J. Ritter, Jr., for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Court referred this matter to United States Magistrate Judge Mary Ann L. Medler for a report and recommendation pursuant to 28 U.S.C. § 636(b). On May 22, 2007, Judge Medler filed her Report and Recommendation that the petition for habeas corpus relief be denied. Judge Medler also recommended that any motion by Petitioner for a certificate of appealability should be denied.

The Court mailed a copy of the Report and Recommendation to Petitioner on May 22, 2007. To date, no objections to the recommendation have been filed by either party.

After careful consideration, the Court will adopt and sustain the sound and thorough reasoning of Judge Medler as set forth in her Report and Recommendation.

Certificate of Appealability

To grant a certificate of appealability, a federal habeas court must find a substantial showing of the denial of a federal constitutional right. See 28 U.S.C. § 2253(c)(2); *Hunter v. Bowersox*, 172 F.3d 1016, 1020 (8th Cir. 1999). A substantial showing is established if the issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings. See *Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997)(citing *Flieger v. Delo*, 16 F.3d 878, 882-83 (8th Cir. 1994)); *Tokar v. Bowersox*, 1 F. Supp.2d 986, 1016 (E.D. Mo. 1998). In this case, petitioner has failed to make a substantial showing of the denial of a constitutional right. The undersigned is not persuaded that the issues raised in his petition are debatable among reasonable jurists, that a court could resolve the issues differently, or that the issues deserve further proceedings. The undersigned therefore will not issue a certificate of appealability.

Accordingly,

IT IS HEREBY ORDERED that the petition of Michael J. Ritter, Jr. for habeas corpus relief is denied;

IT IS FURTHER ORDERED that a Certificate of Appealability shall **not**

issue in this case.

Dated this 20th day of June, 2007.

A handwritten signature in cursive script, reading "Henry Edward Autrey", with a long horizontal flourish extending to the right.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE